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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Wing Wah Loh

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EXAMINER

AKINTOLA, OLABODE

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/841,400	Applicant(s) LOH ET AL.	
	Examiner Olabode Akintola	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) 27-66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Invention I: Claims 1-26 are drawn to a currency exchange method that provides a server in communication with business entities, allows a representative to select currency pair, display rates for selected currency pair and allow representative to place an order on currency pair.

Invention II: Claims 27-52 are drawn to currency exchange method that provides a server in communication with business entities, registers a business entity requiring ID and a password to access server, allows a trader to select currency pair, display rates for selected currency pair and allow representative to place an order on currency pair.

Invention III: Claims 53-66 are drawn to currency exchange method that provides business entity's system having a communication channel for communication with clients, allows a client to select currency pair, display rates for selected currency pair and allows client to place an order on currency pair.

2. The inventions I, II and III are distinct, each from the other because of the following reasons:

Inventions I, II and III are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable.

Invention I has separate utility from inventions II-III such as allowing a representative of a first business entity that is registered to access the central server system.

Invention II has separate utility from inventions III and I such as assigning a role of administrator, credit officer, and a trader to a representative, each role requiring a proper login ID and a password to access the server system.

Invention III has separate utility from inventions II and I such as providing a business entity's system having a communication channel for electronically communication with the clients.

Because these inventions are distinct for the reasons given above, restriction for examination purposes as indicated is proper.

3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. After a telephone call with Mr. Lawrence Ginsberg (Attorney for the Applicants) on June 15, 2006, a provisional election was made to prosecute claims of invention I. Accordingly claims 27-66 are withdrawn from consideration as being directed to non-elected inventions. Applicant is respectfully requested to cancel the withdrawn non-elected claims 27-66 of inventions II and III in response to this office action. Claims 1-26 have been examined.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- rejected under 35 U.S.C. 102(b) as being anticipated by Midorikawa et al.

(U.S. Patent No. 5832462) (hereinafter referred to as Midorikawa).

Re claim 1: Midorikawa teaches a method facilitated by a computer network to accomplish a foreign currency exchange transaction between business entities (Abstract; col. 5, lines 54-56), comprising the acts of: providing a central server system having a communication channel for electronically communicating with the business entities (certificate of correction, Pg. 1 or 4; Fig, 1 RN {120}), whereby a representative of a first business entity that is registered is allowed access to the central server system (Fig. 2, RN {14}); allowing the representative to select a currency pair to be transacted (col. 6, lines 27-34); displaying at least one rate for the selected currency pair posted by a representative from a second business entity which is registered with the central server system (col. 6, lines 27-34), the second business entity having established a mutual credit line with the first business entity (col. 6, lines 49-52); and allowing the representative of the first business entity to place an order on the currency pair, whereby the order is matched against the posted rates (col. 6, lines 20-25), a match resulting in a trade, and a non-match resulting in a posting of the order (col. 2, lines 32-35; col. 3, lines 3-5).

Re claim 2: Midorikawa teaches the step wherein particulars of the trade are shown on a display (col. 6, lines 27-34).

Re claim 3: Midorikawa teaches the step wherein the central server system allows a business entity to limit an amount which can be traded by a representative (col. 2, lines 66- col. 3, lines 12).

Re claim 7: Midorikawa teaches the step wherein three best rates for a given currency pair are posted (col. 6, lines 27-35).

Re claims 8, 9, 10 and 11: Midorikawa teaches the step wherein an amount of currency is posted with the rate (col. 6, lines 27-35; Fig. 5).

Re claims 12, 13, 14 and 15: Midorikawa teaches the step wherein the amount is updated when a matching order is found (col. 7, lines 2-3).

Re claim 16: Midorikawa teaches the step wherein the central server system allows a business entity to directly send via the communication channel a foreign exchange order for a client (col. 5, lines 55-65; Figs. 1 & 4).

Re claim 17: Midorikawa teaches the step wherein the client is allowed to place the foreign exchange order through a network (col. 5, lines 61-65).

Re claims 18 and 19: Midorikawa teaches the step wherein the client can place the order using an order entry interface accessed through a network (col. 2, lines 35-37).

Re claim 20: Midorikawa teaches the step wherein the interface includes a field for order type (col. 6, lines 38-49).

Re claim 21: Midorikawa teaches the step where the business entity's system allows a viewing of the order placed by the client through an order monitor (col. 6, lines 38-49).

Re claim 22: Midorikawa teaches the step wherein the order placed by the client can be executed by the business entity servicing the client (col. 6, lines 20-25).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Midorikawa et al. (U.S. Patent No. 5832462) (hereinafter referred to as Midorikawa) in view of Potter et al. (U.S Patent No. 5787402) (hereinafter referred to as Potter).

Re claim 4: Midorikawa is as discussed above. Midorikawa does not explicitly teach that the central server system allows a business entity to specify a period of time allowed for trading. Potter teaches a central server system allows a business entity to specify a period of time allowed for trading (col. 8, lines 6-7). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Midorikawa to include allowing a business entity to specify a period of time allowed for trading as taught by Potter. One would have been motivated to do this in order to protect the business entity from liability for a “stale” rate.

Re claims 5 and 6: Midorikawa is as discussed above. Midorikawa does not explicitly teach the central server system prevents a trading from occurring if a trade would exceed a pre-defined percentage of a credit line given to a business entity; wherein the central server system allows a business entity to determine the pre-defined percentage. Potter teaches the central server system prevents a trading from occurring if a trade would exceed a pre-defined percentage of a credit line given to a business entity; wherein the central server system allows a business entity to determine the pre-defined percentage (col. 8, lines 42-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Midorikawa to include these steps

as taught by Potter. One would have been motivated to do this in order to avoid exceeding the available credit for the entity.

7. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Midorikawa et al. (U.S. Patent No. 5832462) (hereinafter referred to as Midorikawa) in view of Atkins (U.S. Patent No. 5644727) (hereinafter referred to as Atkins).

Re claims 23-26: Midorikawa is as discussed above. Midorikawa does not explicitly teach the step wherein the client places a collateral with the business entity; wherein the business entity sets a limit on an amount the client can trade based on the amount of the collateral placed. Atkins teaches the step wherein the client places a collateral with the business entity; wherein the business entity sets a limit on an amount the client can trade based on the amount of the collateral placed (col. 53, lines 9-12). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Midorikawa to include these steps as taught by Atkins. One would have been motivated to do this so that the entity can have a lien on the collateral to back up the credit line.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA



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PRIMARY EXAMINER